

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BRUTON STEPHENS, SR.,**

**Plaintiff,**

**v.**

**CITY OF DALLAS,**

**Defendant.**

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**Civil Action No. 3:10-cv-191-O**


**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Defendant filed objections, but has challenged only the Magistrate Judge's decision to decline addressing Plaintiff's Texas Whistleblower Act ("TWA") claim on summary judgment. The District Court reviewed the remainder of the proposed findings and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge, except with regard to Plaintiff's TWA claim. As for Defendant's objection to the Magistrate Judge's handling of Plaintiff's TWA claim, the Court will defer ruling on this matter until after the deadlines for Plaintiff's response and Defendant's reply have expired.

Accordingly, it is **ORDERED** that Defendant's Motion for Final Summary Judgment (ECF No. 32) is **GRANTED IN PART** and **DENIED IN PART**. Specifically, Defendant is **GRANTED** summary judgment as to: (1) Plaintiff's Title VII race discrimination claim and (2) Plaintiff's Title VII retaliation claims based on the temporary assignment to retrieve flashers and sandbags and the failure of Defendant to rehire Plaintiff after the reduction in force. Defendant's motion for summary

judgment is otherwise **DENIED**.

**SO ORDERED** on this **19th day of March, 2012**.

  
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**Reed O'Connor**  
**UNITED STATES DISTRICT JUDGE**